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C O N F I D E N T I A L JERUSALEM 001257

SIPDIS

NEA FOR FRONT OFFICE. NSC FOR ABRAMS/SINGH/PASCUAL

E.O. 12958: DECL: 07/15/2018
TAGS: [KWBG](#) [PREL](#) [PHUM](#) [IS](#) [PBTS](#)
SUBJECT: EAST JERUSALEM RESIDENTS FEAR EVICTION ORDER WILL
PAVE WAY FOR ISRAELI CONSTRUCTION

Classified By: Acting Principal Officer Jessica Lapenn, per reasons 1.4
(b) and (d)

¶1. (C) Summary. On July 14, the Israeli High Court of Justice (HCJ) upheld an order to evict the al-Kurd family from their residence in Shaykh Jarrah, after nine years of litigation over the property's ownership. (Note: Shaykh Jarrah is home to much of East Jerusalem's most valuable and historic property, including the British Consulate General and American Colony Hotel. End note). The al-Kurd family told PolOff July 15 that they fear an Israeli takeover of their property and construction of 250 housing units. Local residents, PA representatives and activists have gathered at the site seeking to prevent the eviction. Rafiq Hussayni, PA President Abbas' Chief, told A/PO the eviction order was a "gross injustice" and asked the USG to intercede. End Summary.

Shaykh Jarrah: Family's Eviction Looming;
Residents' Say Settles Eyeing New Neighborhood

¶2. (SBU) The Israeli HCJ issued a ruling July 14 upholding an eviction order for the al-Kurd family from their residence (one room of which is occupied by Israeli settlers) in Shaykh Jarrah, East Jerusalem. The house is one of five, surrounding the tomb of Shimon HaTzadek (Simon the Righteous), that Israeli and Palestinian activists say are targeted for takeover by Israeli groups who want to build new homes on the site. Shaykh Jarrah residents and these activists told PolOff that construction of 250 Israeli residential units is planned after the Palestinian residents are evicted.

Decades of Dispute over
Jordanian-Era Property Agreement

¶3. (SBU) The HCJ's ruling ends nine years of litigation over the property's ownership and the al-Kurds' status as residents from the pre-1967 period of Jordanian rule. Al-Kurd family members told PolOff on July 15 that the GOJ had agreed to rent the house to the al-Kurds in 1956 as part of an UNRWA low-cost housing project for Palestinian refugees. The GOJ was supposed to transfer ownership to the tenants after three years of residency, they said, but by 1967, the GOJ had not completed the process, and the al-Kurds and other tenants were registered as renters, not landowners.

¶4. (SBU) An Israeli court ruled in 1986 that the al-Kurds were renters and required to pay rent to the GOI, which had claimed title to state land held by the GOJ before 1967. The al-Kurds said they and other residents refused to pay rent as the lawful owners, having met the conditions stipulated by the 1956 agreement, and because "doing so would legitimize the occupation." The al-Kurds said they have been in litigation over the land's ownership and their rights since

1999, but have lost each legal action. They suffered a major setback in June 2006, when the HCJ ruled that the land had no private owner, since neither the Palestinians nor interested Israeli parties could document land title, and was thus state land. The GOI sold the land to an Israeli construction company, the family said, which has drafted construction plans for the site. The family said additional legal appeals would be futile, and eviction could take place at any time.

Palestinian, International Activists
Seek to Prevent Family's Eviction

15. (C) PolOff visited the al-Kurds' house July 15 and observed several Shaykh Jarrah residents, PA representatives (including PA Jerusalem Affairs Advisor Hatim Abd al-Qadr) and international activists seeking to prevent the eviction. Rafiq Hussayni, PA President Mahmud Abbas' Chief-of-Staff, told A/PO on July 15 that the eviction order was a "gross injustice" and commented that it is difficult for Palestinians to discuss peace and hold negotiations while the GOI evicts Palestinians from East Jerusalem. He asked the USG to intercede with the GOI to stop implementation of the eviction order.

LAPENN